

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 69 of 2017

Satyanand Singh, S/o. Laxmi Prasad Paikra, Aged About 22 Years, Caste Kanwar, Occupation Agriculture, R/o. Village Kamariya, Police Station & Tahsil Udaipur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Udaipur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.113/2016 registered at Police Station- Udaipur, District Sarguja (C.G.) for the offence punishable under Section 376(2)(ढ) & 493 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 15.11.2016 that the applicant on the pretext of marriage committed sexual intercourse against her will by obtaining consent by fraud and when she became pregnant, the applicant refused to marry. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant and the prosecutrix were in love relation and because of the resistance of the family members, the applicant could not marry the prosecutrix and now he is ready and willing to marry the prosecutrix. He further submits that the father of the applicant Laxmi Prasad, S/o. Ayodhya Prasad has filed an affidavit wherein

it is stated that they would like to marry their son with the prosecutrix and earlier there was a difference because she belongs to different caste, subsequently they decided to perform marriage of the applicant and the prosecutrix and they would accept her as daughter-in-law; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix and primarily the statement of the father of the applicant Laxmi Prasad wherein it is stated that they are ready and willing to perform marriage with the prosecutrix and accept the prosecutrix to be their daughter-in-law. Considering the affidavit given by the father of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
7. Learned Court below shall communicate the prosecutrix about the fact that the father of the applicant had filed an affidavit before this Court wherein it is stated that the prosecutrix would be married to the applicant when he released from jail and she would be accepted as daughter-in-law and the wife of the applicant.

Sd/-
(Goutam Bhaduri)
Judge